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SUBJECT: ELECTION LAW REQUIREMENTS FOR PROSPECTIVE DUMA  
DEPUTIES

REF: 05 MOSCOW 09169

Summary

1. (U) This message reviews the electoral procedures in place for participating in the 2007 elections to the Duma. There have been no amendments to the electoral law since the Duma eliminated the "against all candidates" ballot option before the summer break. In order to be elected a Duma Deputy, one needs to be a member of a political party properly registered as such with the Federal Registration Service (FRS). Once the election is called by the President, the process moves to the jurisdiction of the Central Election Commission (CEC). Political parties may then nominate candidates for their lists and get certified by the CEC for inclusion on the ballot. Certification may be obtained by either having current representation in the Duma, obtaining 200,000 signatures pursuant to electoral law requirements, or depositing a 60 million ruble deposit. After the CEC has certified the candidate list, a special bank account must be opened from which all monies for campaigning must be taken and accounted for. Free access to state television is allocated equally among all certified parties, but, in conjunction with print, radio, and commercial television, can only be used in the 30-day period prior to the election, excluding the day before and the day of the election. The fate of electronic balloting is under discussion. End summary.

STATE OF PLAY IN ELECTORAL LAW AMENDMENTS

2. (U) The current session of the State Duma is the last in which changes made to the electoral law would have an effect on the 2007 Duma elections. Although election law amendments were introduced by United Russia (YR) and passed a first Duma reading in July, they seem to have gotten "stuck in committee," and members of the Central Election Commission (CEC) doubt they will be adopted before the end of this session. If passed, those amendments would reintroduce early voting, allow for the "de-registration" of candidates found to have minor inaccuracies in registration documents, and limit the participation of those with convictions for extremist activity. The Head of the CEC, Aleksandr Veshnyakov, passionately opposed the amendments when they were introduced, arguing that they "discredit the democratic process." Similarly, talk of another YR-sponsored amendment, which would further restrict competition by requiring local deputies running for "higher-level" parliaments to relinquish their posts prior to declaring themselves, seems ultimately not to have been introduced. Thus, the only new development since the sweeping changes of 2005 (reftel) has been the elimination of the option to vote "against all candidates," a move attributed by some to its increasing popularity among

the Russian electorate. (Note: in the October 8 regional elections, "against all" appeared in five regions and garnered between 4 and 6 percent of the vote.)

#### HOW TO BECOME A DUMA DEPUTY CANDIDATE

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13. (U) The process of becoming a Duma Deputy is jurisdictionally divided between the FRS, which is part of the Ministry of Justice, and the CEC, which is a governmental body consisting of 15 members who hold four-year terms. The Duma, the Federation Council, and the President each appoint five members to the CEC.

14. (U) The FRS is entrusted with registering political parties, pursuant to the law "On Political Parties". In order to register as a political party, an entity must have at least 50,000 members. This membership must be distributed among at least 45 of Russia's 89 regions, with at least 100 members in any given region, although this number rises to at least 500 as of January 1, 2007. The law requires that the FRS publish the list of registered parties annually on January 1, along with their consolidated financial accounts. While many commentators in the media have construed this to mean that such registration must take place by December 31, 2006, for inclusion in the 2007 Duma election, Maya Grishina of the CEC legal department disagreed. According to her, potential parties actually have longer, possibly until March or even April 2007. There is no specific date set out in the law. The list that the CEC uses is the one given it by the FRS after the election is called, which may have deletions or additions not reflected in the one published annually.

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15. (U) The President is required to call an election not more than 110 days and not less than 90 days before it is held. If the President does not do so, then the CEC must call the election within seven days of the expiration of the President's time limit. After an election is called, the FRS has three days in which to transmit the list of registered parties, which describes the entire universe of potential party participants. From that point, the CEC has jurisdiction over the process.

16. (U) There are three ways for parties to be included on the ballot:

- win seats in the 2003 Duma elections;
- gather 200,000 signatures (not more than 10,000 of which may be from residents in any one region);
- pay a deposit of 60 million rubles.

The CEC plays a role only if a party elects to pursue its place on the ballot through collecting signatures. It is also, according to Grishina, the most realistic option for potential parties to get on the ballot. The deposit is held in a special CEC account. It must be deposited not more than 75 days and not less than 45 days before the election and the funds may not be used for campaign expenses. The deposit is forfeited to the state if the party does not win at least 4% of the vote. Otherwise, it is returned to the party within five days after the results are officially published. Once included on the ballot, only the Constitutional Court has the power to remove a party. Removal may be pursued by the CEC or by a private party.

#### CAMPAIGNING AND ELECTRONIC VOTING

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17. (U) After official publication of the decision to hold an election, parties may nominate their candidates. Campaigning may begin after the party is certified by the CEC. Until 30 days before the election, however, parties may not use radio,

television, or print media. Free access to the television media is rigidly apportioned. Each party on the ballot is allocated one hour on each of the six state channels for a total of six hours, with no requirements for reimbursement of the broadcast cost, no matter what the performance of the party on election day. Parties are free to purchase additional advertising time. All campaigning is forbidden the day before and the day of the election.

¶8. (U) Parties are required to open special bank accounts at the government-owned SberBank within three days after receiving certification from the CEC. These accounts neither require fees, nor produce interest. Finances are limited to 400 million rubles, plus additional sums calibrated to population sizes in the various regions. Grishina told us that there was a desire to see these limits raised. All campaign financial transactions are audited by the CEC. Political parties may not receive contributions from foreign governments, organizations, citizens, Russian governmental or international entities, or charitable or religious organizations.

¶9. (U) The CEC is very eager to implement electronic balloting and has in fact, under the auspices of the Federal Center on Information Technologies, already developed a system: "Vybory". To date, the system has been used almost exclusively as a mechanism to count electronically paper ballots. As such, it was used experimentally in the 2003 Duma elections and the 2004 presidential contest. It was also used in one-third of all polling stations in the Moscow City Duma election of December 2005 with mixed public reaction. Since it took 24 hours for the results to be published, accusations of tampering with the software, and hence the results, surfaced.

¶10. (U) The regional Novgorod election held on October 8 used paperless electronic balloting in five polling stations. For reasons not clear to the Embassy, the Regional Election Commission decided not to use those results in two of them, but rather count the votes by hand. The experiment was nonetheless deemed a success by Nikolai Konkin, a representative of the CEC, who proclaimed the CEC's readiness to continue developing the system. Olga Balashova, Head of the CEC's International Cooperation Division, was more noncommittal about the future use of paperless electronic balloting saying that its fate would be determined by a political decision".

RUSSELL